

# Notice of Allowability

Application No.

10/071,238

Examiner

Callie E. Shosho

Applicant(s)

BREHM ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/23/04 and telephonic interview conducted 10/27/05.
2. ☒ The allowed claim(s) is/are 3-5,7-9 and 11-25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/27/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) Claim 4, line 6, after "10" and before "by", delete "parts" and insert "%".

(2) Claim 5, line 2, after "thereof", delete ", which" and insert "wherein the platelets".

(3) Claim 5, line 5, after "flakes" and before "coated", delete "," and insert "wherein the pigments are".

(4) Claim 17, line 3, after "part" and before ".", insert "in order to give rise to a glitter effect".

(5) Claim 19, line 7, after "10" and before "by", delete "parts" and insert "%".

(6) Claim 21, line 2, after "hollow" and before "beads", delete ", solid or compact" and insert "or solid".

(7) Claim 22, line 7, after "10" and before "by", delete "parts" and insert "%".

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(8) Claim 24, line 2, after “thereof” and before “are”, delete “, which” and insert “wherein the platelets”.

(9) Claim 24, line 5, after “flakes” and before “coated”, delete “,” and insert “wherein the pigments are”.

(10) Claim 25, line 2, after “thereof” and before “are”, delete “, which” and insert “wherein the platelets”.

(11) Claim 25, line 5, after “flakes” and before “coated”, delete “,” and insert “wherein the pigments are”.

2. Authorization for this examiner’s amendment was given in a telephone interview with Csaba Henter on 10/27/05.

**Statement of Reasons for Allowance**

3. The present claims are allowable over the “closest” prior art Overholt et al. (U.S. 6,702,967) for the following reasons:

Overholt et al. disclose plastic part comprising thermoplastic polymer, assistant for plastic processing, up to 65% glass microsphere possessing average particle size of 5-500  $\mu\text{m}$ , and platelet pigment including interference pigment, liquid crystal pigment, and mica, alumina, or silica coated with metal oxide.

However, the filing date of Overholt et al. lies between the filing date and the priority date of the present application as seen below:

Application No. 10/071,238 *priority date* – 2/10/01

Overholt et al. *filing date* – 7/27/01

Application No. 10/071,238 *filing date* – 2/11/02

Under MPEP 706.02(b), rejections based on 35 U.S.C. 102(e) can be overcome by perfecting the filing date of the priority document. Applicant’s submission on 11/23/04 of English language translation of certified priority document previously filed on 2/11/02 results in the perfection of the foreign priority filing date. Thus, Overholt et al. is no longer applicable against the present claims.

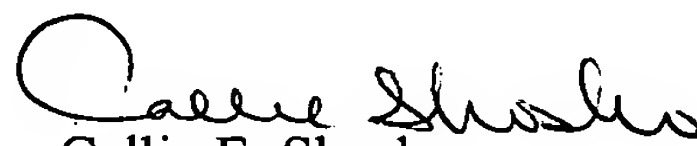
In light of the above, it is clear that the rejection of record is untenable and so, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Callie E. Shosho  
Primary Examiner  
Art Unit 1714